

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Grist Allotment
Grazing Transfer & Permit

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0128-DNA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



DATE POSTED: April 10, 2013

DATE DUE: May 1, 2013

Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2013-0128-DNA

Case File/Project No: 2502744

Proposed Action Title/Type: Allotment Transfer and Permit Issuance

Location/Legal Description: See Attached Map
Township 16 North, Range 47 East Sections 17 & 19

A: Description of the Proposed Action: The Proposed Action is to transfer and issue a grazing permit for the Grist Allotment (00715) to Harris Spraying Inc., doing business as (DBA) Harris Ranch. The permit would be issued for a term of 3 years from March 1, 2013 to February 28, 2016; the term of the lease agreement. The terms and conditions would be consistent with the previous grazing permit shown in Table 1.

Table 1. Mandatory Terms and Conditions for Authorization #2502744

Allotment Name and Number	Livestock Number	Kind	Grazing Begins	Grazing Ends	% Public Land	Type Use	AUMs
Grist Allotment (00715)	23	C	03/01	02/28	100	Custodial	270

Total Active AUMs: 270

Terms and Conditions:

Full Pasture: Grazing is authorized with 111 Cattle for 51 days for 186 AUMs

Half Pasture: Grazing is authorized with 111 Cattle for 45 days at 50% public lands for 84 AUMs

Maximum numbers of days in each pasture with 111 head of cattle are shown above.

Livestock numbers and season of use are at the permittee's discretion provided AUMs are not exceeded.

Applicant: Harris Spraying Inc., DBA Harris Ranch

County: Prairie County

DNA Originator: Christina Handy

B. Land Use Plan (LUP) Conformance

LUP Name* Big Dry Resource Management Plan Date Approved 1996

Other document** Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, South Dakota Date Approved 1999

Other document** DOI-BLM-MT-C020-2011-0278-EA Date Approved March 18, 2011

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) *This Proposed Action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997 (Standards ROD). The Standards ROD states on page 12 "Terms and conditions are a tool to achieve resource conditions in the standard". The Bid Dry ROD (page 11) recognizes livestock grazing within the preferred alternative of the final EIS.*

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Big Dry RMP ROD Date signed 1996

[DOI-BLM-MT-C020-2011-0278-EA](#)

Date Approved: March 18, 2011

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

Standards & Guidelines EA MT-020-99-73-The Grist Allotment passed the Standards for Rangeland Health assessment in 1999. The allotment is still meeting the Standards for Rangeland Health.

Cultural Report MT-020-12-230

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative

analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial? Yes. The Proposed Action is similar to those analyzed in the above referenced documents. The EA- #DOI-BLM-MT-C020-2011-0278 analyzed effects of livestock grazing, the issuance of a grazing permit, and mandatory terms and conditions on the Grist Allotment. The grazing preference transfer is an administrative action.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values? Yes. The alternatives in EA-DOI-BLM-MT-C020-2011-0278 analyzed the effects of grazing on the Grist Allotment. These alternatives were determined to be appropriate for the current Proposed Action. The Proposed Action is consistent with the previous grazing permit.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standards assessments, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? Yes. No new information has been obtained since EA-DOI-BLM-MT-C020-2011-0278-EA analyzed the effects of livestock grazing in 2011.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? The direct and indirect effects would be the same as the existing NEPA document. The current proposed action is an administrative transfer and terms and conditions remain consistent with the previous permit. The EA analyzed site-specific impacts livestock grazing would have on the allotment.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes, the public involvement and interagency review associated with the existing EA is adequate for the current Proposed Action per agency requirements.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	Resource Represented	Initials & Date
Dale Tribby	Wildlife Biologist	Wildlife	dct 04/11/13
Reyer Rens	Supervisory RMS	Review	RR 5/23/2013


Environmental Coordinator

5/30/2013
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

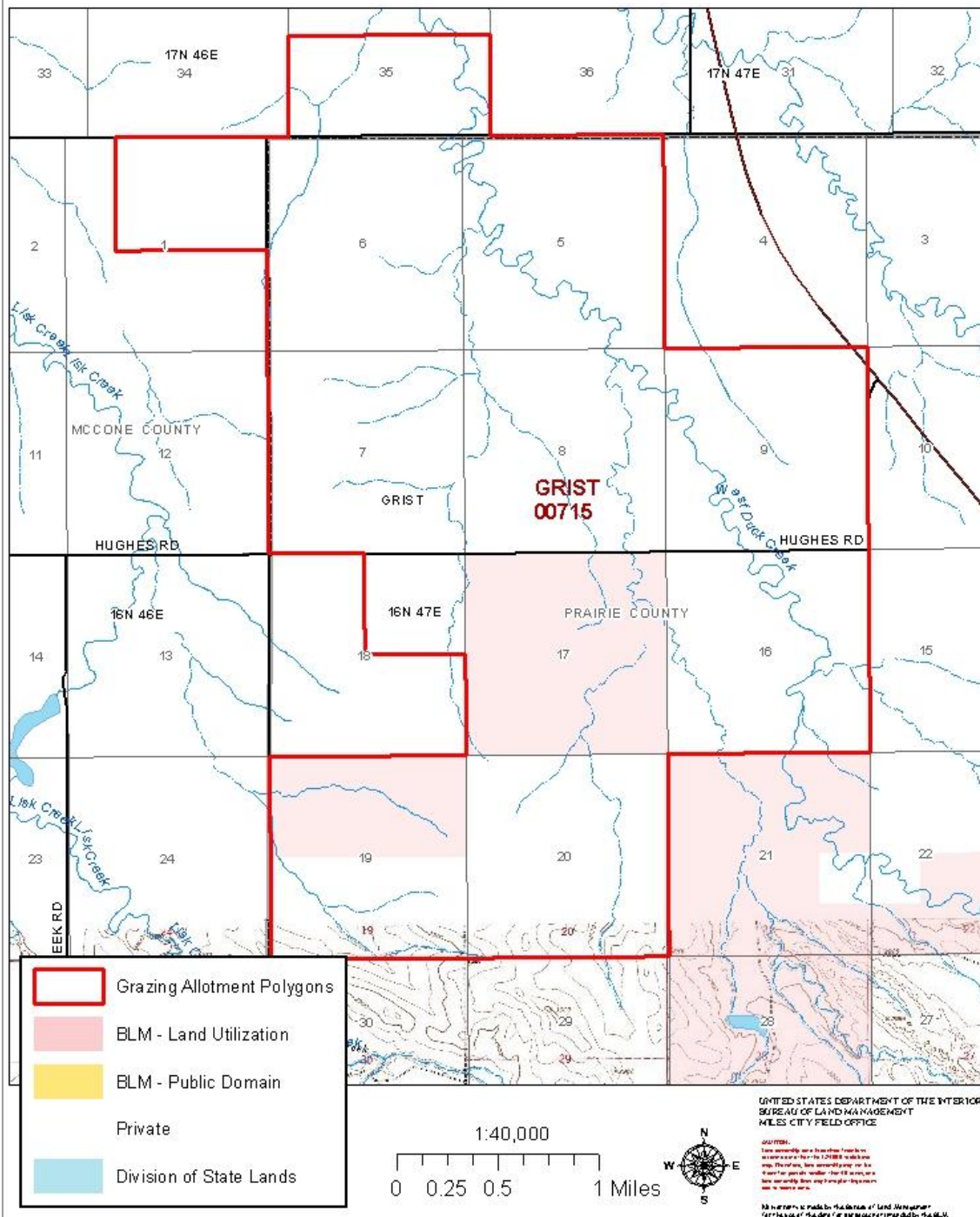
Dale Tribby for
Todd D. Yeager
Field Manager

5/31/2013
Date



Grist Allotment (00715)

04/11/2013





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:
4100 (4160.1)
GR 2502744

June 10, 2013

Harris Spraying, Inc.
dba Harris Ranch
c/o Bill Harris
P. O. Box 394
Circle, Mt. 59215

Certified Mail No: 70113500000345173361
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Grist Allotment (#00715) is located approximately 30 miles southwest of Terry, Montana, in Prairie County. The Grist Allotment consists of 951 acres of public domain containing 270 AUMs of active use and 4,872 acres of private land. The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 1999 and continues to meet the Standards and Guidelines for Rangeland Health.

In April 2013, Grist Ranch Co., requested to transfer the grazing permit into Harris Spraying Inc., dba Harris Ranch. The deed on file showed the control of the base property described for the Grist allotment (#00715). The applicants also submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application-Preference Summary, Form 4130-1b (Grazing Application-Supplemental Information) and Form 4130-8, (Assignment of Range Improvements).

In May, 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of NEPA Adequacy (DNA) (MT-C020-2013-0128-DNA) to analyze the issuance of the grazing permit to Harris Spraying, Inc., dba Harris Ranch for the above mentioned allotment. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 31, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the Grist Allotment (#00715) to Harris Spraying, Inc., dba Harris Ranch. The permit would be issued from March 1, 2013 to February 28, 2016. The permit would be issued as follows:

GR# 2502744

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	% P L	Type Use	AUMs
Grist Allotment #00715	23	C	03/01	02/28	100	Custodial	270

Total Active AUMs: 270

Terms and Conditions:

Full Pasture: Grazing is authorized with 111 cattle for 51 days at 100% public lands = 186 AUMs between June 1 and October 15. Half Pasture: Grazing is authorized with 111 cattle for 45 days at 50% public lands

= 84 AUMs. Livestock numbers and season of use are at the permittee's discretion provided AUMs are not exceeded. The term of the permit will run from March 1, 2013 to February 28, 2016, which coincides with the dates of the base property lease.

RATIONALE

The issuance of the grazing permit is provided through a lease showing control of the base property for this allotment being submitted to the BLM. The lease contained the legal descriptions of the base property associated with this allotment.

Upon receiving all forms a Documentation of NEPA Adequacy DNA (DOI-BLM-MT-C020-2013- 0128-DNA) was completed to ensure the allotment continues to meet the Standards for Rangeland Health and to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 31, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that Harris Spraying, Inc. dba Harris Ranch meets the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a

protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two (2) copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline location and return the edited map to the office.

If you have any questions on this document please contact Christina Handy, Range Technician at (406) 233-2855 or Reyer Rens, Supervisory Rangeland Management Specialist at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

BLM Grazing Permit (2 copies)
(Please sign and return to the Miles City Field Office)
Allotment Map

Knudson:lrn:6/6/13:Grist_Allotment_Transfer_Letter_Knudson_2013